IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 10267 of 2004

Between:
1.Kappala Bhimaraju S/o Apparao Kimmuru (V) Addateegala (M) E.G.District.
2.Kadimcharla Sai Subbarayam S/o Late Rangarao, Kimmuru (V) , Addateegala (M) East Godavari Dist

..... PETITIONERS

AND

1 The Station House Officer Addateegala P.S. E.G.District
2 The Deputy Collector (Tribal Welfare) Rampachodavarm , E.G.District
3 The Mandal Revenue Officer, Addateegala (M) E.G.District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order to direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in dispossessing the petitioners from their lands to an extent of Ac. 18.69 cents in sy.Nos.49/1, 49/2, 45/1, 50/2, 51 96 & 97 of Kimmuru (V), Addateegala (M) E.G.District as illegal, arbitrary, and unconstitutional and consequently direct the respondents not to dispossess the petitioners from their lands except following due process of law

Counsel for the Petitioners: MR.K.VENKATESH

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent Nos. 2 & 3: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

This writ petition is filed by the petitioners aggrieved by the illegal action of respondents in trying to interfere with the possession of the petitioners in respect of an extent of Ac.18.69 cents of land situated in Sy.No.49/1, 49/2, 45/1, 50/2, 51, 96 and 97 of Kimmuru Village, Addateegala Mandal, East Godavari District.

2. According to the petitioners, the said lands were purchased by their predecessor in title and they have been in possession and there are no violation of the provisions of the Land Transfer Regulations. It is also stated that the second respondent initiated proceedings in L.T.R.P.No.409/79 against first petitioner along with some others with reference to the above referred lands along with some other lands and passed an order, recording a finding that no prohibited transaction is involved with reference to the above lands and the proceedings were closed with the above finding. However, according to the petitioners, in spite of the said order passed as early as in the year 1980, the respondents are interfering with the petitioners'

possession. Therefore, the petitioners have come up with the present writ petition.

3. Heard the learned counsel for the petitioners, the learned Government Pleader for Home and the learned Government Pleader for Social Welfare.

4. Admittedly, the petitioners claimed to be the owners of the above mentioned land in an extent of Ac.18.69 cents in various Survey numbers referred to earlier. It is also a fact that second respondent initiated proceedings in L.T.R.P.No.409/79 and the said proceedings were closed, recording a finding that the lands do not involve in prohibited transactions. However, according to the petitioners, without passing any orders or issuing any notice, the respondents are trying to interfere with their possession and accordingly sought for a direction to the respondents not to interfere with their possession.

5. The respondents who are the officers of various departments, are not entitled to interfere with the petitioners' possession by issuing oral directions. If the respondents are of the opinion that there is any violation of the provisions, it is open to them to take appropriate action by issuing necessary orders. In addition, in the light of the orders already passed in the year 1980 by the Deputy Collector (Tribal Welfare), this Court is of the opinion that it is not open to the respondents to initiate any further proceedings with reference to the above mentioned property.

6. Under the above circumstances, the writ is disposed of, directing the respondents not to interfere with the petitioners' possession of the above mentioned lands. No costs.

23rd June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1 The Station House Officer Addateegala P.S. East Godavari, District.
2 The Deputy Collector (Tribal Welfare) Rampachodavarm , E.G.District
3 The Mandal Revenue Officer, Addateegala (M) E.G.District
4 Two CCs to the Government Pleader for Home, High Court Buildings, Hyderabad. (OUT)
5. Two CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT).
6. Two CD copies.